

SECOND REGULAR SESSION

SENATE BILL NO. 1087

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CLEMENS.

Read 1st time February 5, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

4203S.02I

AN ACT

To amend chapter 173, RSMo, by adding thereto six new sections relating to the non-traditional student educational expense repayment program.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 173, RSMo, is amended by adding thereto six new sections, to be known as sections 173.188, 173.189, 173.190, 173.191, 173.192, and 173.195, to read as follows:

173.188. 1. Sections 173.188 to 173.195 shall be known and may be cited as the "Non-traditional Student Educational Expense Repayment Program". The program shall apply to individuals enrolled in and attending a public or private non-sectarian postsecondary vocational or technical school, a community college, or a college or university located in the state of Missouri, or to graduates of such institutions. The department of higher education shall implement and administer the program.

2. The "Non-traditional Student Educational Expense Repayment Program Fund" is hereby created in the state treasury, which shall consist of general revenue appropriated to the program, voluntary contributions to support or match program activities, and funds received from the federal government. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, money in the fund shall be used solely for the administration of sections 173.188 to 173.195. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in

21 the same manner as other funds are invested. Any interest and moneys
22 earned on such investments shall be credited to the fund.

23 3. The moneys in the fund shall be used by the department of
24 higher education to provide educational expense repayments under
25 sections 173.188 to 173.195.

173.189. 1. As used in sections 173.188 to 173.195, the following
2 terms shall mean:

3 (1) "Department", the Missouri department of higher education;

4 (2) "Educational expense", an expense incurred by a student for
5 payment of tuition, fees, books, or laboratory costs;

6 (3) "Long-term student", a student who has earned more than two
7 degrees and has not been employed for a period longer than three
8 months after completing one degree and beginning work on another;

9 (4) "Program", the non-traditional student educational expense
10 repayment program.

173.190. 1. The department shall adopt and promulgate rules,
2 regulations, and standards for administering the program and for
3 determining eligible persons for educational expense repayment under
4 sections 173.188 to 173.195. Such standards shall include, but are not
5 limited to:

6 (1) United States citizenship or permanent residency;

7 (2) Residence in the state of Missouri;

8 (3) Age of at least twenty-five years;

9 (4) Enrollment and attendance at a postsecondary vocational or
10 technical school, a community college, or a college or university located
11 in the state of Missouri;

12 (5) Employment of at least thirty-five hours per week in the state
13 of Missouri while attending an institution described in subdivision (4)
14 of this subsection;

15 (6) Annual income of less than the average income in the
16 individual's county of residence prior to completing the certificate
17 program, degree, or academic program;

18 (7) A recipient shall not be a long-term student as defined in
19 section 173.189;

20 (8) Completion of an application annually;

21 (9) The department shall only provide repayment for expenses
22 incurred for courses completed with an A or B grade, or an equivalent

23 on another scale;

24 (10) A student shall not be eligible for educational expense
25 repayments if the student is participating in a loan repayment program
26 or loan forgiveness program, through another state or federal
27 government agency, or an employer.

28 2. Any rule or portion of a rule, as that term is defined in section
29 536.010, RSMo, that is created under the authority delegated in this
30 section shall become effective only if it complies with and is subject to
31 all of the provisions of chapter 536, RSMo, and, if applicable, section
32 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
33 and if any of the powers vested with the general assembly pursuant to
34 chapter 536, RSMo, to review, to delay the effective date, or to
35 disapprove and annul a rule are subsequently held unconstitutional,
36 then the grant of rulemaking authority and any rule proposed or
37 adopted after August 28, 2008, shall be invalid and void.

173.191. The department shall enter into a contract with each
2 individual qualifying for repayment of educational expenses. The
3 written contract between the department and the individual shall
4 contain, but not be limited to, the following:

5 (1) An agreement that the state agrees to pay on behalf of the
6 individual, educational expenses in accordance with sections 173.188
7 to 173.195;

8 (2) A provision that any financial obligation arising out of a
9 contract entered into is contingent upon funds being appropriated for
10 educational expense repayments;

11 (3) Such other rights and obligations of the state and individual
12 not inconsistent with sections 173.188 to 173.195.

173.192. 1. A payment provided for an individual under a
2 contract participating in the program shall consist of repayment for
3 educational expenses incurred by the individual for tuition, fees, books,
4 and laboratory expenses incurred by the individual. The department
5 shall make such repayment semi-annually by July fifteenth and
6 January fifteenth.

7 2. The department may pay up to ten thousand dollars per year
8 on behalf of the individual for educational expenses described in
9 subsection 1 of this section.

10 3. The department may pay up to five hundred thousand dollars

11 per year, in the aggregate, in educational expense repayments.

173.195. 1. Successful applicants for whom educational expense
2 repayments are made under the provisions of sections 173.188 to
3 173.195 shall verify to the department twice each year, in June and in
4 December, in the manner prescribed by the department that they are
5 maintaining employment in Missouri as described in subdivision (5) of
6 subsection 1 of section 173.190.

7 2. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

8 (1) The provisions of the new program authorized under sections
9 173.188 to 173.195 shall sunset automatically six years after the
10 effective date of sections 173.188 to 173.195 unless reauthorized by an
11 act of the general assembly; and

12 (2) If such program is reauthorized, the program authorized
13 under sections 173.188 to 173.195 shall sunset automatically twelve
14 years after the effective date of the reauthorization of sections 173.188
15 to 173.195; and

16 (3) Sections 173.188 to 173.195 shall terminate on September first
17 of the calendar year immediately following the calendar year in which
18 the program authorized under sections 173.188 to 173.195 is sunset.

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